

### **Remarks**

Claims 19-31 are pending in this application. The Applicants have canceled claims 1-18 without prejudice.

The Office action dated July 26, 2006, rejects claims 19-23 and claims 27-30 as being unpatentable over U.S. Patent No. 5,371,551 to Logan et al. (Logan) in view of U.S. Patent No. 5,517,257 to Dunn et al. (Dunn). The Office action also rejects claims 24-26 and claim 31 as being unpatentable over Logan in view of Dunn in further view of U.S. Patent No 6, 154,771 to Rangan et al. (Rangan).

Applicants disagree with the rejections given and the Examiner's characterizations. Reconsideration of the application is respectfully requested in view of the following remarks.

#### **1. Supplemental IDS**

Applicants thank the Examiner for providing initialed Form 1449's for the Information Disclosure Statements (IDS) filed on June 14, 2006, and May 25, 2006, in the application. However, the Examiner did not initial the last reference on the IDS filed May 25, 2006, US Patent Application 2003/0056216 to Wogofski et al. Consideration of this reference is respectfully requested.

#### **2. The cited art fails to teach or suggest several limitations in Claims 19, 22, and 23.**

Claims 19, 22, and 23 are separately patentable as Logan, Dunn, and Rangan, taken separately or in combination, fail to teach or suggest at least one limitation of each of amended claims 19, 22, and 23. Applicants respectfully submit the claims in their present form are allowable over the cited art. To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. (MPEP § 2142.)

Applicants respectfully submit that the art cited by the Office fails to teach or suggest the arrangement "displaying a program *received on the composite signal as it is received*...receiving

actuation of the delay control via the user interface, *and in response to the delay control actuation*, ... compressing and saving the program to a circular buffer as it is received,” as claimed in claims 19, 22, and 23. These features are discussed in the application, for example, at pages 15 line 27 to page 16, line 7.

Applicants have further amended the claim to point out "displaying a program received on the composite signal *as it is received*." The Application at page 15, line 27 to page 16, line 3 explains:

“Video storage at the client terminal also permits a viewer to take a break from broadcast programming without missing anything (as would otherwise occur). When a viewer wants to take a break, a Delay Program button is selected from an Options menu that is controllably presented on the screen in response to a button on the remote control.” [Application, page 15, line 27 to page 16, line 3.]

Applicants respectfully submit that a Logan-Dunn combination fails to teach or suggest the recited arrangement. Logan writes all programming to memory as it is received and requires that a user watch the programming that has previously been stored to memory. [See Logan, 3:16-20.] For example, the Office recites a series of passages in Logan, to teach or suggest the above claim language, each addressed below.

Logan at 1:8-14 mentions that a listener or viewer can pause programming which is being played back from memory. Logan at 2:42-46 discusses digitizing and compressing broadcast signals prior to storage in a buffer. Logan at 4:25-31 discusses storing compressed digital signals. Logan at 5:22-34 discusses how an incoming signal is “continuously written to a continuously advancing memory location.” None of these passages teach or suggest the above-quoted language from claims 19, 22, and 23.

Applicant’s system is designed to operate, part of the time, such that programming (of whatever type) is watched by a viewer as it is received without having previously being saved in a buffer by the applicant’s system. [Application, page 8, lines 7-18, Fig. 3.] When a viewer wishes to pause a program being played, at that point, the program is compressed and saved, so, for example, it can be played back later.

This contrasts starkly with the system of Logan, which is “a broadcast recording and playback device” superimposed between a user and a “video display unit” that records **all** material into a buffer. In Logan, a user can only watch material that has previously been

recorded to the buffer. This can be seen, for example, in Fig. 2, where the RF Tuner 17 feeds exclusively into a buffer 23, through several routes. The video display unit 30, similarly receives input exclusively from the buffer.

As video information can only be read from a buffer, the system of Logan is either always on, to be sure the buffer is loaded with sufficient data, or provides a clock to turn on the device “at scheduled times” so that “the system need not be in continuous operation...” as quoted below.

“The memory subsystem 5 continually stores the incoming data, writing over the oldest data stored on the hard disk 7, so that a fixed duration or “time window” of prior recorded signals are recorded in the memory system 5 at all times. The recorded information is also continuously read from the memory subsystem 5 and supplied to via a decompressor 8 to a video display unit 10.” [Logan, 3:16-23.]

“As seen in FIG. 2, the invention also advantageously includes a clock/calendar unit 15 which is connected to the microprocessor 11 to automatically activate the system at scheduled times. In this way, the system need not be in continuous operation but may instead be activated in advance of scheduled use so that the memory subsystem 5 is *fully loaded with prior programming* at the time viewing begins.” [Logan 3:46-53.]

Logan, thus, strongly teaches away from “displaying a program received on the composite signal *as it is received*” and then “*in response to the delay control actuation, ... compressing and saving the program to a circular buffer as it is received,*” as the system in Logan is already displaying a saved program, not “displaying a program received on the composite signal *as it is received.*” Further, there is no need in Logan to “compress and save the program to a circular buffer” as the program at that point and for some time period further—a “time window” has always already been compressed and saved. [See Logan, 3:16-23.] Moreover, as “the incoming video signal is continuously written to a continuously advancing memory location” [Logan, 5:23-25] there is no teaching or suggestion that a user should or even would be able to alter the time that the program is compressed and saved, such as in response to a delay control actuation.

Dunn, also, neither teaches nor recites the claimed combination of “receiving actuation of the delay control via the user interface, ... *in response to the delay control actuation, delaying*

display of the program; and compressing and saving the program to a circular buffer as it is received.”

Rangan, either in combination with Logan and/or Dunn or separately also neither teaches nor suggests the teachings of the claims. Since the cited references fail to teach or suggest the claimed combination in claims 19, 22, and 23, applicants believe the claims are not subject to a 103 rejection and request the objection be withdrawn. As claims 20-21 and 24-31 depend from claim 19, they, too, should be allowed. Such action is respectfully requested.

### Conclusion

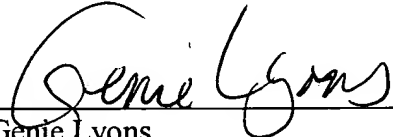
Claims 19-31 should be allowable. Such action is respectfully requested.

Respectfully submitted,

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